
Public Safety Committee

HB 1022

Brief Description: Prohibiting general power of attorney provisions in bail bond agreements.

Sponsors: Representatives Appleton and Goodman.

Brief Summary of Bill

- Creates a presumption of unprofessional conduct by a bail bond agent where the agent enters into a contract, including a general power of attorney, that gives the agent full authority over a person's finances, assets, and property; the presumption may be overcome by a preponderance of the evidence to the contrary.

Hearing Date: 1/21/15

Staff: Cassie Jones (786-7303).

Background:

Bail bond agencies are businesses that sell and issue corporate surety bail bonds or provide security in the form of personal or real property to ensure the appearance of a criminal defendant before a court.

To perform the functions of a bail bond agent or operate a bail bond agency, a person must be licensed by the Department of Licensing (Department). A licensee is subject to discipline by the Department for unprofessional conduct.

Behavior that is categorized as unprofessional conduct may be general across all business and profession licensees, such as unlicensed practice, misrepresentations, or criminal violations, or it may be specific to bail bond agents. Unprofessional conduct specific to bail bond agents includes:

- failure to meet the qualifications of the license or comply with the profession's regulations and laws;
- mishandling funds or other collateral or improperly failing to return collateral;

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- failing to keep records and maintain a trust account;
- any conduct in a bail bond transaction which demonstrates bad faith, dishonesty, or untrustworthiness;
- wearing badges or making statements to create the false impression that the bail bond agent is a sworn peace officer;
- hiring or performing as a bail bond recovery agent without proper licensing and contracts or without adequate care for the safety or property of persons other than the defendant; and
- using a dog in the apprehension of a fugitive criminal defendant.

Unprofessional conduct may be disciplined through an order by the Department's disciplinary authority requiring revocation or suspension of the license, restriction of practice, a program of education or treatment, censure, probation, denial of license renewal, or a fine of up to \$5,000 per violation.

Summary of Bill:

Entering into a contract, including a general power of attorney, with a person that gives the bail bond agent full authority over the person's finances, assets, real property, or personal property creates a presumption of unprofessional conduct which may be overcome by a preponderance of the evidence, determined by the Department.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.